



13th February, 1800,

Read the first and second time, and ordered to be committed to a Committee of the whole House next Monday week.

A BILL

More effectually to provide for the national defence
by establishing an uniform militia throughout the
United States.

1 SEC. 1. **B**E it enacted by the Senate and House of Representatives of
2 the United States of America, in Congress Assembled, That the militia
3 of the United States, shall be composed of all able bodied male white
4 citizens of the respective states resident therein, who shall respectively
5 be of the age of twenty and under the age of forty, and shall constitute
6 one army, of which the President of the United States being com-
7 mander in chief, there shall be attached to the same a complete staff as
8 follow, viz.—eight aid-de-camps with the rank of lieutenant colonels,
9 one adjutant general, one inspector general, one quarter master general,
10 each with the rank of major generals, one inspector of artillery and ca-
11 valry, one commissary general and one physician general.

1 SEC. 2. *And be it further enacted*, That within twelve months after
2 passing this act, the militia of the United States shall be arranged
3 into divisions, brigades, regiments, battalions and companies, as the
4 legislature of each state may direct; each division, brigade, regiment,
5 battalion and company shall be numbered, and a record made of such

6 number at the deputy adjutant general's office in the state, and when called
 7 into actual service in part or in whole, such numerical designation shall
 8 govern as to precedence, reckoning the first or lowest number highest
 9 in rank; each division shall consist of two or more brigades as local
 10 convenience may direct, and under the same rule, each brigade shall
 11 consist of four regiments, each regiment of two battalions, each bat-
 12 lion of five companies, each company of sixty four privates; to each
 13 division there shall be one major-general and two aid-de-camps with
 14 the rank of major, one quarter master, with the rank of lieutenant co-
 15 lonel; to each brigade, one brigadier general with one brigade quarter
 16 master, one brigade inspector and one brigade major with the rank of
 17 major; to each regiment one lieutenant colonel commandant; to each
 18 battalion one major; to each company one captain, one lieutenant, one
 19 ensign, four serjeants, four corporals, one drummer and one fife or
 20 bugler. The general staff for the militia of the States respectively, shall
 21 be taken from the line selected by their respective generals, as shall the
 22 regimental staff also, to be selected by the respective commandants of
 23 regiments, which shall consist of one adjutant, one quarter master, and
 24 one pay master, one surgeon and one surgeon's mate. To each regi-
 25 ment there shall be one serjeant major, one quarter master serjeant,
 26 one drum major and one fife major.

1 SEC. 3. *And be it further enacted, by the authority aforesaid, That*
 2 *the militia men liable to do duty as aforesaid, from the age of twenty*
 3 *to the age of twenty five years shall be formed into companies of artille-*
 4 *ry, cavalry, light infantry or granadiers, and shall be called the light*
 5 *troops—To each company of artillery there shall be one captain two*
 6 *lieutenants, four serjeants, four corporals, six gunners, six bombar-*

7 diers, one drummer, one fifer, and privates—and each commissioned
8 officer shall provide himself with a sword or hanger, a fugee bayonet
9 and belt, and a cartridge box to contain at least twelve cartridges,—to
10 each troop of horse there shall be one captain, two lieutenants, one
11 cornet, serjeants, corporals and
12 privates, and each commissioned officer and private
13 shall provide himself with a good horse, at least fourteen hands and an
14 half high, and the officers shall provide themselves with the following
15 arms and accoutrements *to wit*, a good sword, pair of pistols with hol-
16 sters well covered with bear skin, a good saddle, bridle, mail pillion
17 and valise, breast plate, boots and spurs—and it shall be at all times
18 hereafter the duty of the commandant of regiments to take measures for
19 the due discharge of all men in said companies as soon as they respective-
20 ly complete the age of twenty five years, and for the due enrollment in
21 some one of said companies of all men reaching the age of twenty and re-
22 siding within the bounds of his regiment of which enrollment such citizen
23 shall be notified by a non-commissioned officer of the company in which
24 he is enrolled and every citizen so discharged having faithfully gone
25 through five years of training as by law directed, shall be by the dis-
26 charging officer presented at the expense of the United States, with his
27 arms and accoutrements possessed by him while training; every soldier re-
28 moving from his district shall be entitled on demand to a certificate from
29 his commanding officer of the time he has served in training, which said
30 certificate in case of removal as aforesaid shall be received as full proof
31 as to time of service, when he shall claim his discharge and the arms and
32 accoutrements to be presented to him; *Provided* he shall within thirty
33 days after removal enroll himself into the company within whose precincts
34 he shall remove to.

1 SEC. 4. *And be it further enacted,* That the executive of the several
 2 states, shall appoint to the light troops within their respective states a
 3 general or generals of division. The generals of division shall appoint
 4 the brigadier generals, and the commandants of brigades shall apportion
 5 to the light troops of their brigades respectively, the field officers, which
 6 several officers shall be taken from those already in commission, accor-
 7 ding to their respective ranks. The commandants of regiments, shall ap-
 8 portion the officers of their respective regiments to the several companies
 9 thereof, and shall see that the companies aforesaid, do attend on the
 10 training ground, at such time and place as may be designated by law.

1 SEC. 5. *And be it further enacted,* That there shall be a deputy adju-
 2 tant general appointed in each state by the Legislature thereof, or in such
 3 manner as they may direct with the rank of brigadier general, whose
 4 duty it shall be to distribute all orders from the adjutant general, or
 5 from the commander in chief of the state to which he belongs to the
 6 several corps, to attend all public reviews, when ordered so to do
 7 by the commander in chief of the state, or by the adjutant general—
 8 to obey all orders from them, or either of them, relative to carrying
 9 into execution, and perfecting the system of military discipline establish-
 10 ed by this act—he shall likewise furnish blank forms of such returns as
 11 may be required, and furnished from time to time by the adju-
 12 tant general, and explain the principles on which they are to be
 13 made, receive returns of the militia throughout the state, reporting the
 14 actual situation of their arms, accoutrements and ammunition, their
 15 delinquencies, and every other thing which relates to good order and
 16 discipline—all which returns the commandants of divisions are hereby
 17 required to make, so that the said deputy adjutant general may be duly fur-

18 nished therewith, from which he shall make one general return, and
 19 lay the same annually before the commander in chief of the state, who
 20 shall, within thirty days thereafter, cause a certified copy thereof to be
 21 transmitted to the adjutant general : and the said deputy adjutant general
 22 shall be allowed, annually, as a compensation for his services the sum of
 23 dollars, to be paid out of the trea-
 24 sury of the United States.

1 SEC. 6. *And be it further enacted,* That whenever the aforefaid
 2 troops, or any part thereof, shall be called into the field for the purpose
 3 of training the officers, non-commissioned officers, and privates thereof
 4 shall be furnished at the expence of the United States, with such rations
 5 both with respect to quantity and quality, as are allowed to the officers
 6 and soldiers upon the military establishment of the United States, they
 7 shall likewise be furnished with one camp kettle to each field officer ;
 8 one for the commissioned officers of each company, one to every four
 9 non-commissioned officers, and one for every six privates. They shall
 10 appear at the place of rendezvous in such uniform as may be directed
 11 by the legislatures of the different States, and while at the place of
 12 training shall be comfortably lodged in such manner as may be directed
 13 by the commanding officer at each place of training, and it shall be the
 14 duty of each commandant of every regiment to make a return of his
 15 regiment to the brigadier-general or commandant of brigade who shall
 16 thereupon make out his brigade return to the general of division, who
 17 shall respectively form division returns and transmit the same to the
 18 deputy adjutant general's office. The deputy adjutant general of each
 19 State shall once in every year transmit a general return to the governor
 20 and to the adjutant general, and as often as shall be required—In all re-

§ 10. The returns of the companies constituting the light troops, the names and places of residence of their officers, and their aggregate amount contrasted distinguished from the residuary militia shall be separately shewn and ascertained. The secretary of war shall in conformity to such returns supply at the expence of the United States, arms, colours and accoutrements complete for the light troops corresponding to their several lines, together with strong chests sufficient to contain all such arms and accoutrements, each chest having a good lock and key, which said arms and accoutrements, thus secured shall be delivered to the deputy adjutant general of each state to be by him delivered to the commandant of regiments for the sole use of the light troops belonging to his regiment for the safe keeping whereof and of the camp equipage received, the said commandant shall give his bond conditioned with a proper penalty to the said adjutant general or successor in office with his field officers respectively as sureties or other adequate security, for which the said commandant shall be allowed _____ dollars to be paid by order of the secretary of war on certificate from the adjutant general of each state respectively—It shall be the duty of the said lieutenant colonel or commandant to give out the said arms and camp equipage to the light troops of his regiment previously to the annual period of training and to take in the same on return of said troops—The officers and soldiers of each company to be answerable for the safe restoration of all arms accoutrements and camp equipage received (wear and tear excepted) and to be liable to make restitution by fine imposed by court-martial in such manner as they may decide—And it shall be the duty of the senior officer of every detachment of light troops to make a return within ten days after training, of the arms, accoutrements and camp equipage of such detachment, their state and condition

to the commandant of the regiment, whose duty it shall be to transmit within thirty days thereafter a return to the deputy adjutant general of the arms, accoutrements and camp equipage in his regiment, who shall examine the same, and in case of deficiency shall compel by suit of the bond the immediate replacement of such deficiency.

SEC. 7. *And be it further enacted*, That the light troops of the militia of the several states shall be assembled for training at least eighteen days at one time in every year, to be computed from their arrival at the respective places of rendezvous, at such times and places and in such manner as the Legislatures of the respective states shall direct; *Provided*, That they assemble in regiment, brigade, or division, the whole of the aforesaid corps of light troops shall at all times be deemed, and considered as in a state of requisition, and no part of the residue of the militia shall at any time be called into actual service unless in the opinion of the President of the United States, the whole of the light troops within a convenient distance of the scene of danger shall be deemed incompetent to the object.

SEC. 8. *And be it further enacted*, That the residuary militia shall be compelled to assemble but once only in every year, viz. on the fourth day of July, and whenever the same shall happen on a Sunday on the succeeding day, for the sole purpose of inspection of their arms and accoutrements, which said arms and accoutrements shall consist of a good musket, a sufficient bayonet and belt, and a knapsack, and shall be provided by the said residuary militia, excepting where the same shall be furnished by the state; to ensure the aforesaid provision, as well as the immediate repair of such arms and accoutrements when necessary, it shall be the duty of the commandant of each regiment to make out a list of all such

citizens enrolled as before directed who shall fail to supply themselves, with the arms and accoutrements required by law, to keep the same in good order, which said list shall be laid before a regimental court-martial to be held in every year before the first day of August, and the said court-martial is authorized to enforce the full and punctual execution of the above requisition by the infliction of such fines as they may deem proper.

SEC. 9. *And be it further enacted,* That no party or detachment of militia, drafted for, or called into the service of the United States, shall be compelled to remain in such service for a longer time than nine months at any one time, and that if any officer or soldier belonging to the militia of any state, and called into the service of the United States, be wounded or disabled while in such service, such officer or soldier shall be taken care of, and provided for at the public expense.

SEC. 10. *And be it further enacted,* That all commissioned officers shall take rank according to the date of their commission, and when two of the same grade bear the same date, reference shall be had to previous commission, in case either or both shall have been formerly in commission, which former commissions shall determine the right of priority; in case of no such previous commission then their rank shall be determined by lot, and to be drawn in presence of the commanding officer of the regiment: the rules of discipline as established for the regular troops shall be observed by the militia throughout the United States; copies whereof shall be transmitted by the Secretary of War to the adjutant general of each state in such numbers as he may deem necessary and by him distributed in such manner as the generals of division may direct.

1 SEC. 11. *And be it further enacted,* That all clergymen of every deno-
2 mination whatsoever, shall be exempted from militia duty, although
3 they may be within the age prescribed by law, and whereas it is proper
4 to exempt also from said duties all other persons coming within the pur-
5 view of the law who may from mental apprehensions or scruples be in-
6 capable of discharging the duties of soldiership, by allotting to such
7 citizen, some other employment beneficial to our common country.
8 *Be it enacted,* that all other persons thus disinclined to prepare them-
9 selves to defend their country, shall be employed at suitable seasons,
10 the same number of days in working on the public roads to be specified
11 by law, under the orders of a non-commissioned officer, as are the
12 militia engaged in training, taking care always that those from the age
13 of twenty, to the age of twenty-five, shall give the same number of
14 days to public work as do the light troops to public training: *Provided*
15 *nevertheless,* that all such persons may by annual certificates, to be ob-
16 tained in the month of January from the commandants of regiments,
17 exempt themselves until the preceding January, and so on every year
18 until they pass the age of twenty-five, from such work by paying to
19 said commandant on receipt of such certificate ten dollars.

SEC. 12. And be it enacted, That every major general, brigadier ge-
neral, deputy adjutant general, or commissioned officer who shall fail to at-
tend training when so required, or to make the requisite returns, shall be
subject to cashierment for the first offence by sentence of court martial
and to the payment a fine not exceeding _____ dollars for
every return they may fail in due time to make, to be imposed by court
martial.

1 SEC. 13. *And be it enacted*, That every non-commissioned officer
 2 or foldier who shall fail to attend training punctually, or shall leave the
 3 same till discharged shall be subject to a fine of dollars,
 4 or months imprisonment at the discretion of a court
 5 martial.

1 SEC. 14. *And be it further enacted*, That the mode of prosecuting
 2 for and collecting all fines and forfeitures arising under this act, and of
 3 all monies thereby admitted to be paid by way of commutation for ser-
 4 vices in the militia, shall be prescribed in each state, by the legislature
 5 thereof, the collectors whereof shall pay the same within three months
 6 after collection, to the supervisor of the state in which the collector re-
 7 sides, on pain or prosecution as by law directed.

1 SEC. 15. *And be it further enacted*, That in case of actual service
 2 previous to the march of any detachment of cavalry, the horses shall be
 3 valued by three competent and disinterested citizens, on oath, to be select-
 4 ed by the commandant of the regiment, which said valuation shall be certifi-
 5 ed by any two of the said appraisers, one copy of which signed by the com-
 6 mandant aforesaid, shall be transmitted to the secretary of war—And
 7 another left in the hands of one of the said appraisers, and in case any
 8 horse during said service shall be killed by the enemy or by accident, the
 9 owner thereof shall be paid for the said horse agreeably to the aforesaid
 10 valuation out of the treasury of the United States by order of the secre-
 11 tary of war.

1 SEC. 16. *And be it enacted*, That the field pieces furnished under
 2 this act to the artillery companies shall be constructed for the use of
 3 horse, and the artillerists shall like the cavalry provide themselves
 4 with fit and proper horses to be paid for in like manner, should any
 5 horse be killed by the enemy or by accident. *Provided nevertheless*
 6 That neither the dragoons nor artillerists shall be compelled in time of
 7 peace to train mounted but shall perform their training exercise on foot.